



Counterclaim Announcement

Thursday, February 10, 2011

Remarks by Gov. Jan Brewer

Thank you for coming today.

As I've said many times, it's outrageous that the U.S. Department of Justice sued the people of Arizona to stop SB 1070.

Our message for the federal government is simple.

Use federal resources to attack the cartels who are breaking federal law.

Don't attack Arizona which is helping to enforce federal law.

While Arizona is grateful for the additional federal resources to secure the border after I signed SB 1070 – doing better is just not good enough.

As the recent death of Border Patrol Agent Brian Terry reminds us, our border remains a dangerous place. Our border and immigration system are still broken.

Now that the U.S. District Court has ruled on our motion to dismiss, the State of Arizona has a window of opportunity to file counterclaims against the federal government.

Because the federal government has failed to protect the citizens of the State of Arizona – I am left with no other choice.

So, today, I'm announcing that the State of Arizona is filing a counterclaim against the federal government for failing to uphold its constitutional and statutory obligations.

Arizona did not ask for this fight with the federal government to secure our border and enforce our immigration laws.

We did not want this fight. We did not start this fight. But, now that we are IN it, Arizona will not rest until our border is secured and federal immigration laws are enforced.

And, we will most likely have to pursue our claims all the way to the U.S. Supreme Court to be vindicated.

The State of Arizona will sue the federal government on five separate counts:

-- FAILURE to gain “operational control” of the border as required under the Secure Fence Act of 2006,

-- FAILURE to enforce immigration laws enacted by Congress,

-- FAILURE to protect Arizona from harms associated with rampant illegal immigration as required by the U.S. Constitution,

-- FAILURE to reimburse Arizona for over \$763 million in costs incurred for the incarceration of criminal aliens,

-- AND VIOLATING Arizona’s Tenth Amendment right to protect the health, safety and welfare of its citizens.

Now – this fight will not be easy and it will not be cheap.

That’s why I established Arizona’s border security fund at www.keepazsafe.com.

I want to take this opportunity once again -- to thank the thousands of Americans -- in every state -- for contributing to this fund to help Arizona in this fight against the federal government.

I’m proud to say that no state taxpayer money has been spent in this defense.

Your contributions speak volumes about the overwhelming support nationally of Arizona and its efforts to protect the public safety, health and welfare of its citizens. You’ll never know how much your support has meant to me amidst all the personal attacks, and lifted me up during this difficult struggle.

Your personal notes -- your artwork -- your support, and, -- most importantly, your prayers -- I hold close to my heart. Thank you.

Now, if you know only one thing about me -- you know I’m not a quitter! Arizona is doing its duty. America -- we will not let you down! With me, today, is Attorney General Tom Horne whom I invited to join my legal team in defense of SB 1070 shortly after his election as Attorney General.

I commend Attorney General Horne for his willingness to help defend Arizona in this lawsuit and for taking the lead on the filing of this counterclaim.

I’d now like to invite Attorney General Horne to make a few remarks.